IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 779 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAYANTIBHAI MOHANBHAI PATEL - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
THROUGH JAIL for Applicant(s) : 1,
MR KT DAVE, ADDITIONAL PUBLIC PROSECUTOR for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 01/05/2006

ORAL JUDGMENT

1. Rule. Mr.K.T.Dave, learned Additional Public Prosecutor waives service of rule on behalf of the respondents.

2. Present is the application received through jail. The petitioner – convict is convicted for the offence punishable under Section 304 Part (II) of the Indian Penal Code by judgment and order dated 30.09.2005 and sentenced for 7 years imprisonment.

The petitioner – convict had applied for 7 days parole to enable him to file an appeal before this Court through a private advocate. The parole was granted and thereafter, he made application for extension of the same on the ground that during 7 days, he could not arrange for the funds. That application is rejected and that makes the petitioner – convict to approach this Court.

3. Mr.K.T.Dave, learned Additional Public Prosecutor submitted that in jail, necessary arrangements are made to enable the petitioner – convict to file an appeal from jail.

In view of that, no case is made out. Hence, the application is rejected. Rule is discharged.

(RAVI R.TRIPATHI, J.)

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